

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 19, 2003
Bulk Item: Yes X No

Division: Growth Management
Department: N/A

AGENDA ITEM WORDING: Approval of Amendment No. 1 to Memorandum of Understanding between the Florida Department of Community Affairs and Monroe County, dated December 27, 1999, to revise reporting requirements and conditions for payback of credited ROGO Allocations.

ITEM BACKGROUND: In 1990, the Florida Department of Community Affairs (DCA) entered into an agreement with the County to add 90 ROGO-exempt affordable housing allocations as replacement for housing units to be eliminated under the County's Flood Insurance Inspection Program. All 90 ROGO exempt allocations have been assigned to affordable housing projects; however, only eligible three units have so far been eliminated through the inspection program, code enforcement proceedings, or the normal permitting process.

The existing agreement requires that if the number eligible dwelling units removed is less than the number of ROGO allocations assigned at the end of ROGO Year 10 (July 13, 2002), the County is required to subtract one-third of the amount of the deficit from each of the next three annuals ROGO allocations after that year. This provision would have required the County to reduce this year's ROGO allocation by 29 ($90 - 3/3 = 29$).

The amendment eliminates this specific provision and changes the County's reporting requirements from quarterly to annually. It basically allows DCA to evaluation the County's progress on removal of units in downstairs enclosures and, in the event progress isn't made, to delete up to 30 ROGO allocations a year from the County's annual allocation.

PREVIOUS RELEVANT BOARD ACTION: BOCC approved Memorandum of Understanding between DCA and the County on December 9, 1999.

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATION: Approval

TOTAL COST: N/A **BUDGETED:** Yes No N/A

COST TO COUNTY: N/A **SOURCE OF FUNDS:** N/A

REVENUE PRODUCING: Yes N/A No **AMOUNT PER MONTH** N/A **YEAR**

APPROVED BY: County Attorney X OMB/Purchasing N/A Risk Management N/A

DIVISION DIRECTOR APPROVAL: 
Timothy J. McGarry, AICP

DOCUMENTATION: Included X To follow Not Required

DISPOSITION: **AGENDA ITEM #:** 26

**AMENDMENT NO. 1 TO
MEMORANDUM OF UNDERSTANDING BETWEEN
THE DEPARTMENT OF COMMUNITY AFFAIRS
AND MONROE COUNTY DATED DECEMBER 27, 1999**

Monroe County and the Florida Department of Community Affairs ("DCA"), an agency of the State of Florida, hereby agree to amend the subject Memorandum of Understanding, pursuant to Section 380.032, Florida Statutes, to revise the County's reporting requirements on the removal of illegal downstairs enclosures and the conditions for the possible deletion of the County's annual allocations as stipulated below:

1. Paragraph 5, Reporting Procedures, is amended to read as follows:

"Monroe County agrees to provide an annual report to DCA no later than April 30th of each year, detailing the number of illegal downstairs enclosures which have been removed for the year. The report will additionally reflect the cumulative number of illegal downstairs enclosures removed to date, the number of advance ROGO credits assigned to affordable housing entities and the name of the entity, and the number of advance ROGO credits issued as permits for the year and to date."

2. Paragraph 6, Balance of Credits Used Versus Eliminated Units, is amended to read as follows:

"The Department will evaluate the progress being made by the County in the ongoing implementation of the FEMA inspection program. In the event that progress is not being made, the Department may exercise the option to delete up to 30 ROGO units per year from the County's annual allocation."

All other provisions of the Memorandum of Understanding, dated December 27, 1999, between Monroe County and the Florida Department of Community Affairs shall remain in full force and effect. The effective date of this Amendment is the date the last party signs this Amendment.

THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK.

THE PARTIES, by their dully-authorized undersigned representatives, have executed this Agreement on the dates and year below written.

SIGNATURES

MONROE COUNTY, a political subdivision of the
State of Florida

BY: _____
Dixie Spehar, Mayor

DATE: _____

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

BY: _____
Henry E. "Sonny" Timmerman

DATE: _____

ATTEST: DANNY L. KOLHAGE, CLERK

BY: _____
Deputy Clerk

